DETAILED ACTION

Response to Amendment

1.   Applicant's amendment filed on March 11, 2008 has been entered. No claims were

amended, cancelled or added. Claims 1-9 and 11 are still pending, with claims 1, 7, 8, 9 and 11

being independent.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-4, 7-9, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Kung

et al. (US 2003/0133558; hereinafter Kung).

        As to claim 1, Kung shows a system (Figure 1, 2) for exchanging voice-packets

via an Internet Protocol (Par. 0028; analog voice may be converted to digital data and

packetized for transmission in an appropriate output protocol such as an Internet

protocol (IP).), the system comprising a first terminal (Figure 1, terminals 142; Figure 2-

3; Figure 6, BRG 300A) for transmitting said voice-packets via a network (Par. 0028;

analog voice may be converted to digital data and packetized for transmission in an

appropriate output protocol such as an Internet protocol (IP).) to a second terminal

(Figure 1, terminals 142; Figure 2-3; Figure 6, BRG 300B) for receiving said voice-packets, which voice-packets form part of a call (Par. 0086-0088; multiple broadband residential gateways 300 may be configured through, for example, IP tunneling, to set-up an intercom connection between multiple remote broadband residential gateways 300; the intercom module 344 may also configure intercom services for video conferencing; Par. 0062, provide IP voice packets during an IP telephony or multimedia session call.),

wherein said network comprises a storage-station (Figure 1, 2, 6; IP Central Station 200; Par. 0044; The servers in Figure 2 can be incorporated into a single server. This interpretation will be applied for the remainder of the office action.) for storing information to be supplied during said call to said second terminal (Figure 2; Par. 0051; may store and send announcements to specified destinations (Broadband Residential Gateways 300) and/or all destinations based on instructions received by the call manager server 218.) in the form of at least one data-packet via the Internet Protocol (Par. 0052; announcements may be generated elsewhere in the broadband network 1, stored as files, and distributed to one or more announcement servers via a file transfer protocol or resource such as the trivial file server 214 using one or more file transfer protocols. The announcement may have an audio component and/or an audio/video component.) in response to at least one trigger-packet originating from said first terminal via the Internet Protocol (Figure 6; Par. 0051, 0058; announcement server 220 receives control messages from the call manager 218; the call manager 218 is configured to

utilize signaling messages for example, Radius control messages to and/or from the

broadband residential gateways 300).

As to claim 2, Kung shows that said voice-packets comprise at least audio (Par.

0028; analog voice may be converted to digital data and packetized for transmission in

an appropriate output protocol such as an Internet Protocol.), with said data-packet

comprising at least video (Par. 0052; The announcement may have an audio

component and/or a audio/video component.).

As to claim 3, this claim is rejected using the same reasoning set forth in the

rejection of claim 1.

As to claim 4, Kung shows that said information comprises information-parts

(Par. 0052; the announcement may have an audio component and/or a audio/video

component. Par. 0053-0054; shows that the announcement server enhances user

experience by having different options for the user calling the called party.), with said

trigger-packet (Figure 6; Par. 0051, 0058; announcement server 220 receives control

messages from the call manager 218; the call manager 218 is configured to utilize

signaling messages for example, Radius control messages to and/or from the

broadband residential gateways 300) comprising an indication for selecting at least one

information-part to be supplied during said call to said second terminal (Figure 6-7; Par.

0161-0163; the BRG 300 notifies the subscriber of the incoming call at step S740. The

BRG 300 can insert a notifier into the ongoing call to alert the subscriber that an

incoming call has been received. Traditionally, a tone has been used to alert a called

party of incoming call during an ongoing call; Illustrative visual indications may include a

simple text message, the display of an icon, or a flashing message. Also, a visual

message may be coupled with a periodic audio message, such as a tone or voice

message. Visual and/or audio messages may also identify the calling party or service

type (fax, data, voice, etc.) allowing the subscriber to more effectively manage their

incoming calls.).

As to claims 7-9, and 11, these claims are rejected using the same reasoning set

forth in the rejection of claim 1. Claim 1, shows the system that implements the method

that anticipates the claimed method of claim 11.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al.

(US 2003/0133558; hereinafter Kung) in view of Girard (US 2002/0176404; hereinafter Girard).

As to claim 5, Kung shows that said second terminal in response to said trigger-

packet generating a further trigger-packet (Figure 6) to be sent during said call to said

storage-station via the Internet Protocol (Figure 6-7; Par. 0161-0163; BRG 300

determines whether the subscriber desires to answer the incoming call at step S750.

The subscriber may enter a code to place the ongoing call onto the call waiting queue
and answer the incoming call, the subscriber may terminate the ongoing call and
answer the incoming call or the subscriber may ignore the notifier and allow the
incoming call to be placed on the call queue.). However, Kung does not explicitly show
that said trigger-packet is sent from said first terminal to said second terminal.

Girard shows that said trigger-packet is sent from said first terminal to said
second terminal (Figure 10, Par. 0239; As depicted in FIG. 10 for the EDGE SWITCH
[1] labeled A (originating the call in this case), SIP call signaling occurs directly to the
EDGE SWITCH [1] labeled B (as indicated by [3]); Par. 0268; the EDGE SWITCH
converts analog electrical (and potentially digital) telephone device-level signaling and
voice transmission conventions to and from IP packets containing SIP network signaling
information and digitally-encoded voice. In the case of SET-TOP BOXES [4], it is
assumed that device signaling information and media content are already digitally-
encoded in IP packets and that SET-TOP BOXES [4] natively support SIP network
signaling; Par. 0085, The EDGE SWITCH operates as a MEDIA GATEWAY to the
extent that it is able to present POTS or other types of non-SIP telephones (connected
through its LINE interface) to the network as SIP network signaling endpoints. The
EDGE SWITCH provides necessary terminal adaptation as necessary for the
conversion of device signaling and bearer channel content at the LINE interface to/from
SIP network signaling and RTP voice transmission conventions required by the ESN.).
It would have been obvious to one of ordinary skill in the art at the time of the invention

to modify the system of Kung to have the direct communication of switches/gateways of Girard in order to simplify the communication between terminals.

As to claim 6, modified Kung shows said information comprises information-parts (Kung: Par. 0052; The announcement may have an audio component and/or a audio/video component. Par. 0053-0054; shows that the announcement server enhances user experience by having different options for the user calling the called party.), with said trigger-packet and said further trigger-packet comprising an indication for selecting at least one information-part to be supplied during said call to said second terminal (Kung: Figure 6-7; Par. 0161-0163; the BRG 300 notifies the subscriber of the incoming call at step S740. The BRG 300 can insert a notifier into the ongoing call to alert the subscriber that an incoming call has been received. Traditionally, a tone has been used to alert a called party of incoming call during an ongoing call; Illustrative visual indications may include a simple text message, the display of an icon, or a flashing message. Also, a visual message may be coupled with a periodic audio message, such as a tone or voice message. Visual and/or audio messages may also identify the calling party or service type (fax, data, voice, etc.) allowing the subscriber to more effectively manage their incoming calls. BRG 300 determines whether the subscriber desires to answer the incoming call at step S750. The subscriber may enter a code to place the ongoing call onto the call waiting queue and answer the incoming call, the subscriber may terminate the ongoing call and answer the incoming call or the subscriber may ignore the notifier and allow the incoming call to be placed on the call queue.).

Response to Arguments

6.   Applicant's arguments filed March 11, 2008 have been fully considered but they are not
persuasive.

7.   As stated in the Applicant's Remarks/Arguments pages 3-8, Applicant traverses the
rejection of claims 1-4, 7-9 and 11 under 35 USC § 102(e) as being anticipated by Kung et al.
(US 2003/0133558) (hereinafter Kung).

       As to claim 1, Applicant argues that Kung fails to teach/disclose where information to be
supplied during call to a second terminal is "in response to at least one trigger-packet *originating
from said first terminal* via Internet Protocol." The Examiner respectfully disagrees with the
Applicant.

       As shown in the above rejection, Kung discloses:

              "*a storage-station (Figure 1, 2, 6; IP Central Station 200; Par. 0044; The servers
       in Figure 2 can be incorporated into a single server. This interpretation will be applied
       for the remainder of the office action.) for storing information to be supplied during said
       call to said second terminal (Figure 2; Par. 0051; may store and send announcements to
       specified destinations (Broadband Residential Gateways 300) and/or all destinations
       based on instructions received by the call manager server 218.) in the form of at least
       one data-packet via the Internet Protocol (Par. 0052; announcements may be generated
       elsewhere in the broadband network 1, stored as files, and distributed to one or more
       announcement servers via a file transfer protocol or resource such as the trivial file
       server 214 using one or more file transfer protocols. The announcement may have an
       audio component and/or an audio/video component.) in response to at least one trigger-
       packet originating from said first terminal via the Internet Protocol (Figure 6; Par. 0051,*

0058; announcement server 220 receives control messages from the call manager 218;

*the call manager 218 is configured to utilize signaling messages for example, **Radius***

***control messages to and/or from the broadband residential gateways 300**)."*

The Examiner agrees with the Applicant that Kung discloses (at Par. 0051, 0058) that the

"announcement server 220 receives control messages from the call manager 21; the call manager

218 is configured to utilize signaling messages, for example, **Radius control messages to**

and/or from the broadband residential gateways 300." However, the Examiner disagrees

with how the Applicant has understood the cited passage. It has been shown in the rejection of

claim 1, that Kung discloses the first and second terminals (Figure 6, Broadband Residential

Gateways BRG 300A, 300B) and that the servers (including the call manager 218) shown in

Figure 2 can be incorporated into a single server (refer to claim 1 rejection.). The Examiner has

cited Figure 6 and Par. 0051, 0058 in the rejection of the presented claim limitation. First,

Figure 6 shows the two terminals (BRG 300A, BRG 300B) and the CM218 which exchanges

signaling in different directions in order to establish/disconnect a conversation 623. Figure 6

shows BRG 300A sending a trigger packet (various signaling) to CM 218. Second, Par. 0058

also shows that the "call manager 218 may be configured to utilize signaling messages such as

Radius (or Enhanced Radius or compatible protocol) **control messages to and/or from** the voice

gateway **and/or the broadband residential gateways 300**" (emphasis added). Also, the claim

language presented in claim 1, does not specifically show the form/function of a trigger-packet

and thus a broad interpretation was presented by the Examiner. As also shown in Figure 6,

signaling message 607 (off hook 607), "triggers" other messages to be sent to different parts of

the network in order to establish conversation 623. With the above rejection and further

reasoning, Kung, thus, discloses "in response to at least one trigger-packet *originating from said*

first terminal via Internet Protocol."

As to claim 3, the Applicant bases his arguments on what was presented in the arguments

shown in claim 1. Thus, the Examiner uses the same reasoning set forth in the argument

presented in claim 1 as the same basis for claim 3. Examiner also further notes that in the

rejection of claim 1, Kung has shown a storage station (in Figures 1, 2 and 6 that IP central

station 200; Par. 0044 that the servers in Figure 2 can be incorporated into a single server and

that the Examiner noted in the rejection that this interpretation is applied to the remainder of the

Office Action.). One of the numerous configurations of IP Central Station 200 is to store various

control and system information such as location, address, and/or configurations of one or more

broadband residential gateways 300, as well as other routing and call set-up information (Par.

0038). With the above rejection and further reasoning, Kung, thus, discloses "said trigger-packet

is sent from said first terminal to said storage-station."

As to claim 4, Applicant argues that Kung fails to teach/disclose that "said trigger packet

comprises and indication for selecting at least one information-part to be supplied during said

call to said second terminal". The Examiner respectfully disagrees with the Applicant.

As shown in the above rejection, Kung discloses:

> *"said trigger-packet (Figure 6; Par. 0051, 0058; announcement server 220*
>
> *receives control messages from the call manager 218; the call manager 218 is configured*

> *to utilize signaling messages for example, Radius control messages to and/or from the*
>
> *broadband residential gateways 300) comprising an indication for selecting at least one*
>
> *information-part to be supplied during said call to said second terminal (Figure 6-7; Par.*
>
> *0161-0163; the BRG 300 notifies the subscriber of the incoming call at step S740. The*
>
> *BRG 300 can insert a notifier into the ongoing call to alert the subscriber that an*
>
> *incoming call has been received. Traditionally, a tone has been used to alert a called*
>
> *party of incoming call during an ongoing call; Illustrative visual indications may include*
>
> *a simple text message, the display of an icon, or a flashing message. Also, a visual*
>
> *message may be coupled with a periodic audio message, such as a tone or voice message.*
>
> *Visual and/or audio messages may also identify the calling party or service type (fax,*
>
> *data, voice, etc.) allowing the subscriber to more effectively manage their incoming*
>
> *calls.)."*

It has already been shown in the above arguments that the trigger packet of Kung is sent

from the first terminal. As noted above, the claim language presented in claim 1, does not

specifically dictate the form/function of a "trigger packet" and it has been interpreted by the

Examiner as a control message/signaling sent which "triggers" an action afterwards. Claim 4

was rejected citing Figures 6-7 and different paragraphs supporting Kung's system. The method

in Figure 7 is performed by a user during an ongoing conversation between two other users. As

stated in Par. 0161, "concurrently, call set up and resource allocation provisioning takes place on

the calling party side, for example Figure 6 for an incoming call from a party on the network."

With this notification, and by following Figure 7, the subscriber is notified of the call as stated in

Par 0162, "the BRG 300 notifies the subscriber of the incoming call at step S740. The BRG 300

can insert a notifier into the ongoing call to alert the subscriber that an incoming call has been

received. Traditionally, a tone has been used to alert a called party of incoming call during an

ongoing call; Illustrative visual indications may include a simple text message, the display of an

icon, or a flashing message. Also, a visual message may be coupled with a periodic audio

message, such as a tone or voice message. Visual and/or audio messages may also identify the

calling party or service type (fax, data, voice, etc.) allowing the subscriber to more effectively

manage their incoming calls.)." By taking Figure 6 and 7 into consideration, the IP central

station 200 (including the CM218) sends control messages/signaling (i.e. alerts and other

notifier) to proper subscribers in the network.

With the above rejection and further reasoning, Kung, thus, discloses "said trigger packet

comprises and indication for selecting at least one information-part to be supplied during said

call to said second terminal"

As to claims 7-9, 11, the Applicant bases his arguments on the same arguments presented

above with regard to claim 1. The Examiner uses the same reasoning as what was presented in

the above arguments regarding claim 1.

8.   As stated in the Applicant's Remarks/Arguments pages 3-8, Applicant traverses the

rejection of claims 5-6 under 35 USC § 103(a) as being unpatentable over Kung et al. (US

2003/0133558) (hereinafter Kung) in view of Girard (US 2002/0176404) (hereinafter Girard).

As to claim 5, Applicant argues the Kung in view of Girard, taken alone or in combination, does not teach/disclose that "second terminal, in response to a said trigger packet generating a further trigger packet to be sent during said call to said storage station." The Examiner respectfully disagrees with the Applicant.

As shown in the above rejection, Kung in view of Girard discloses:

> *"said second terminal in response to said trigger-packet generating a further trigger-packet (Figure 6) to be sent during said call to said storage-station via the Internet Protocol (Figure 6-7; Par. 0161-0163; BRG 300 determines whether the subscriber desires to answer the incoming call at step S750. The subscriber may enter a code to place the ongoing call onto the call waiting queue and answer the incoming call, the subscriber may terminate the ongoing call and answer the incoming call or the subscriber may ignore the notifier and allow the incoming call to be placed on the call queue.)."*

Figure 6 shows different control messages/signaling/trigger packets sent to/from a node to a different node in the network. The Examiner further cites different paragraphs of Kung that discloses claim 5. The Applicant further argues that "claim 5, explicitly teaches that the further trigger packet is to be sent *to the storage station"* and further shows that BRG 300 communicates code to the CM 218 and not the IP central station 200 (which was the storage station of Kung). Referring to the rejection of claim 1, the Examiner asserted in the rejection and the arguments that "the servers (i.e. CM 218 and other servers) shown in Figure 2, are incorporated in a single server (IP Central Station 200). Applicant has stated that the BRG 300 communicates code to the CM

218. Since, CM 218 is incorporated as a part of IP Central Station 200, it also means

that BRG 300A or BRG 300B communicates code to IP Central Station 200.

    With the above rejection and further reasoning, Kung in view of Girard, thus, discloses

"second terminal, in response to a said trigger packet generating a further trigger packet to be

sent during said call to said storage station."

    As to claim 6, the Applicant bases his arguments on the same arguments presented above

with regard to claims 1 and 5. The Examiner uses the same reasoning as what was presented in

the above arguments regarding claims 1 and 5.

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

    Cave et al. (US 2001/0005372 A1) – note abstract;

    Higuchi (US 7,061,903 B2) – note abstract.

1.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

    A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to REDENTOR M. PASIA whose telephone number is (571)272-

9745. The examiner can normally be reached on M-F 7:30am to 4:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Aung Moe can be reached on (571)272-7314. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aung S. Moe/   /Redentor M Pasia/
Supervisory Patent Examiner, Art Unit 2616   Examiner, Art Unit 2616